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October 23, 2003

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Reply Comments of San Diego ITFS Licensees in **WT Docket No. 03-66, RM-10586 *et al.***; Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

Dear Ms. Dortch:

On behalf of San Diego County Superintendent of Schools, San Diego State University, Palomar College, San Diego Community College District, Oceanside Unified School District, Vista Unified School District, and Escondido Union School District (collectively, "San Diego ITFS Licensees"), we hereby electronically file the attached Reply Comments in the referenced rule making proceeding.

Should any questions arise concerning this matter, kindly contact undersigned counsel.

Respectfully submitted,

/s/ Todd D. Gray

Todd D. Gray  
Counsel for San Diego ITFS Licensees

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Re: Reply Comments of San Diego ITFS Licensees  
WT Docket No. 03-66; RM-10586

Dear Ms. Dortch:

San Diego County Superintendent of Schools (“SDCSS”), San Diego State University (“SDSU”), Palomar College (“Palomar”), San Diego Community College District (“SDCCD”), Oceanside Unified School District (“OUSD”), Vista Unified School District (“VUSD”), and Escondido Union School District (“EUSD”) (collectively, “San Diego ITFS Licensees”) provide these reply comments in the referenced proceeding proposing changes to the FCC’s rules to facilitate the provision of fixed and mobile broadband access, educational and other advanced services in the ITFS/MMDS band.

**A. Introduction**

The San Diego ITFS Licensees hold licenses and/or operate ITFS stations on all but one ITFS channel in the San Diego area, with facilities operating or to be constructed on two separate transmission sites – one serving the southern San Diego area from Mt. San Miguel, and one serving the northern San Diego area from Mt. Whitney.

Each of the San Diego ITFS Licensees is a party to an ITFS excess capacity lease agreement with Worldcom Broadband Solutions, Inc. The agreements are expected to be assumed and performed by Nextel in connection with its purchase of Worldcom wireless assets out of bankruptcy. Pursuant to the agreements, the operator is required to provide an extensive technical system that transports educational video programming from each of the San Diego ITFS Licensees, as well as other educational entities in the San Diego area, to an operations and control center operated by SDCSS, encodes, compresses and stores the programming on a digital server, switches and transports the programming to the two separate transmission sites, and transmits the signals over the ITFS stations of the San Diego ITFS Licensees. Through these facilities, which are partially completed at this time, educational programming services are received at schools throughout San Diego County.

SDCSS heads the San Diego County Office of Education, which is charged with the mission of supporting the 42 local public school districts in San Diego County, including by

providing quality services, effective and efficient use of resources, and innovative leadership to school districts and working collaboratively to meet the educational needs of nearly a half million students. SDCSS is the licensee of ITFS Stations WBS-375, Channels A1-A4, and WDD-752, Channels C1-C4, at San Diego, California, and Station WCX-487, currently operating on Channels F1-F3 but authorized by the FCC on Channels D2-D4 at San Marcos, California. SDCSS provides over 140 hours per week of instructional programming via ITFS, including programming focusing on math, science, literature, music, foreign language, psychology, sociology, and community interest programs. The programming is used by approximately 100,000 students and 15,000 teachers for staff development. The SDCSS ITFS stations also transmit distance learning courses for credit on behalf of INTELECOM, Palomar College and San Diego Community College District to thousands of students.

SDSU is one of the 23 campuses of the California State University system, located in San Diego, California. It enrolls over 30,000 students each semester. SDSU is the licensee of ITFS Stations WHR-611, Channels B1-B4, and WHQ-403, Channels G1-G4, at San Diego, California, and Stations WHG-345, Channels B3 and B4, and WHG-344, Channels C3 and C4, at San Marcos, California. Through these facilities, SDSU provides over 40 hours per week of instructional programming, including programming focusing on international education. The programming is used by thousands of students and professionals for professional development and training purposes.

Palomar is a public two-year community college. The Palomar campus is located in San Marcos, California, approximately 30 miles north of San Diego. Palomar enrolls approximately 30,000 full-time and part-time students. Palomar is the licensee of ITFS Stations WGR-707, currently operating on Channel F4 but authorized by the FCC on Channels B1 and B2, and WND-577, Channels C1 and C2, at San Marcos, California. Palomar has a 20 year history of providing high quality telecourses, many produced in its own state-of-the-art television studio. Distance education is an integral part of the curriculum offered by Palomar College. On the average, there are 84 telecourse classes offered each year with an enrollment of about 3,200 students.

SDCCD serves almost 100,000 students each semester through three two-year colleges and six continuing education centers. The three colleges - San Diego City, Mesa and Miramar - offer associate degrees and certificates in occupational programs that prepare students for entry-level jobs, and arts and sciences programs that transfer to four-year colleges and universities. The continuing education centers offer adults the opportunity to renew their learning experiences through noncredit vocational, basic skills, life skills and enrichment classes at neighborhood locations throughout the city. SDCCD is the licensee of ITFS Station WND-573, Channels D2-D4, at San Diego, California. Through ITFS facilities currently available in the San Diego area, SDCCD both provides and receives and uses substantial amounts of educational and instructional programming, including (last year) over 400 hours of programming originated by the INTELECOM CCIN Network and approximately 500 hours of other community college programming.

OUSD is a public school district operating 18 elementary schools, 3 middle schools, 2 comprehensive high schools and 2 alternative schools, in addition to seven state preschool programs. It enrolls over 22,000 students in Grades K through 12. OUSD is the licensee of ITFS Station WND-576, Channels G1-G3, at San Marcos, California. Through ITFS facilities in the San Diego system, OUSD uses substantial amounts of instructional programming, including programming focusing on core curriculum subjects and remedial courses. The programming is used by all 24 of OUSD's schools' students as well as teachers for professional development and training purposes.

VUSD is a public school district operating 13 K-5 elementary schools, 1 special education elementary school, 1 K-5 magnet elementary school, 1 K-8 magnet elementary/middle school, 4 middle schools, 2 comprehensive high schools, 2 alternative high schools, and 1 6-12 charter school enrolling nearly 28,000 students in Grades K through 12. VUSD is the licensee of ITFS Station WND-578, Channels A1-A3, at San Marcos, California. VUSD uses instructional programming on the San Diego system to serve over 12,000 students and over 700 teachers for professional development and training purposes.

EUSD is a public school district operating 14 elementary schools, 4 middle schools, 1 elementary/middle school and 1 Special Needs Center enrolling close to 20,000 students in Grades K through 8. EUSD is the licensee of ITFS Stations WND-574, Channel A4, and WND-575, Channel G4, at San Marcos, California. EUSD has the capability of providing over 20 hours per week of instructional programming, including programming focusing on literacy, staff development and other educational content. The programming is used by elementary and middle school students as well as administrators and teachers for professional development and training purposes.

# **1. Support for Comments of WCA/NIA/CTN and CTN/NIA**

The San Diego ITFS Licensees have reviewed the *NPRM* in WT Docket No. 03-66 and the comments filed by other parties. The record clearly weighs in favor of the Commission accepting the proposal put forward by the "coalition" of the Wireless Communications Association, the National ITFS Association, and the Catholic Television Network. The Coalition proposal for a revised band plan, the de-interleaving of channel groups, the establishment of exclusive Geographic Service Areas, and revised technical and service rules are all critically important to rolling out advanced wireless services in the band, while preserving and enhancing educational use of the spectrum. The San Diego ITFS licensees are solidly in support of all aspects of the Coalition proposal, and urge that it be adopted expeditiously.

Separate comments were filed by CTN and NIA in the proceeding to address several issues of particular importance to ITFS licensees. Among other things, CTN/NIA urge the FCC to retain the current non-profit, educational restrictions on holding ITFS licenses, in order to preserve educational access to and control over this valuable spectrum in the long run. The San Diego ITFS Licensees also strongly support this position, and urge the FCC not to permit for-profit, non-educational parties to become licensees on ITFS channels.

Respectfully submitted,

**San Diego County Superintendent of Schools**

By: Richard Thome, Assistant Superintendent  
Human Resources and Technology

**San Diego State University**

By: Joseph Vasquez, Associate Vice President  
Business Enterprises

**Palomar College**

By: Dr. George Mozes, Director  
Library/Media Center and Ed'l Television

**San Diego Community College District**

By: Don Bertram, Manager  
Telecommunications

**Oceanside Unified School District**

By: Brian Sullivan, Director  
School Services

**Vista Unified School District**

By: Richard M. Rodriguez, Director  
Information Systems

**Escondido Union School District**

By: David Fritch, Director  
Information Systems